

REMARKS

Claims 7, 12 and 13 are presented for consideration, with Claim 7 being independent.

Claim 7 has been amended to further distinguish Applicant's invention from the cited art.

The amendments to the Claim 7 were not presented earlier as it was believed that the previously presented claims would be found allowable. This Amendment does not add any additional claims. Moreover, the Examiner's familiarity with the subject matter of the present application will allow an appreciation of the significance of the amendments herein without undue expenditure of time and effort. Finally, the Amendment does not raise new issues requiring further consideration or search. Accordingly, it is submitted that entry of the Amendment is appropriate.

Claims 7, 12 and 13 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Weigl et al. '945. This rejection is respectfully traversed.

Applicant's invention as set forth in Claim 7 relates to a detection method for detecting a plurality of different substances contained in a specimen using a same label. The method comprises sequentially the steps of flowing the specimen through a detecting element having a first substance trapping portion immobilizing a first substance trapping body for specifically trapping a first substance contained in the specimen, a second substance trapping portion immobilizing a second substance trapping body for specifically trapping a second substance contained in the specimen, with the second substance being different from the first substance, and a channel, with the first substance trapping portion being different than the second

substance trapping portion, and flowing a solution containing the label through the first substance trapping portion immobilizing the first substance trapping body and the second substance trapping portion immobilizing the second substance trapping body. As amended, the label is said to comprise a first group of label molecules bonded with a third substance trapping body capable of specifically acting on the first substance and a second group of label molecules bonded with a fourth substance trapping body capable of specifically acting on the second substance.

Claim 7 includes the additional steps of flowing a solution for generating a signal from the label through the first substance trapping portion immobilizing the label such that a first layer of aqueous solution flow through the first substance trapping portion and a second layer of aqueous solution flow through the second substance trapping portion coexist while a third layer of alcoholic solution flow exists between the first layer of aqueous solution flow and the second layer of aqueous solution flow and that the solution for generating a signal from the label forms the first layer of aqueous solution flow, to thereby acquire a signal from the first substance trapping portion, and flowing a solution for generating a signal from the label through the second substance trapping portion immobilizing the label such that a first layer of aqueous solution flow through the first substance trapping portion and a second layer of aqueous solution flow through the second substance trapping portion coexist while a third layer of alcoholic solution flow exists between the first layer of aqueous solution flow and the second layer of aqueous solution flow and that the solution for generating a signal from the label forms the second layer of aqueous solution flow, to thereby acquire a signal from the second substance trapping portion.

Support for the amendments to Claim 7 can be found, for example, on page 8, line 13, *et. seq.*, of the specification. In accordance with Applicant's invention, a high performance method of detecting a plurality of different substances contained in a specimen can be provided.

As discussed in the previous Amendment of January 5, 2009, the Weigl patent relates to an extraction device that uses an extraction stream to remove particles contained in a sample stream. With reference to Figure 4, a sample stream 2 enters through an inlet 1, and an extraction stream 4 enters through an inlet 5. Particles of different sizes exit in product streams 25, 28 and 31, and a by-product stream 12 in feed exit channel 10 is said to contain particles of small, medium and large sizes.

The Weigl patent discloses that each reporter bead comprises a substrate bead having a plurality of at least one type of fluorescent reporter molecules immobilized thereon (column 36, lines 27-29). The Office Action relies on this disclosure to suggest that each reporter bead in a plurality of beads can have the same type of fluorescent reporter molecule. As understood, however, in Weigl's extraction device and method, reporter beads immobilizing a single kind of reporter molecules come into contact with different kinds of target molecules in a sample stream or such target molecules come into contact with such reporter beads and an indicator stream to thereby cause an interaction between the reporter molecules and the target molecules. In this way, different kinds of target molecules can end up competing to act on a single kind of

reporter molecule. This can weaken the concentration of target molecules acting on the reporter beads.

In Applicant's claimed invention, on the other hand, the detection method includes a step of flowing a solution containing the label to the first substance trapping portion immobilizing the first substance trapping body and the second substance trapping portion immobilizing the second substance trapping body, with the label comprising a first group of label molecules bonded with a third substance trapping body capable of specifically acting on the first substance and a second group of label molecules bonded with a fourth substance trapping body capable of specifically acted on the second substrate. In this arrangement, there is no competition between different kinds of target substances with respect to the label, and a high precision measurement can be provided.

For at least these reasons, it is submitted that Weigl fails to anticipate or render obvious Applicant's invention as set forth in Claim 7. Therefore, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §102(b) is respectfully requested.

Thus, it is submitted that Applicant's invention as set forth in independent Claim 7 is patentable over the cited art. In addition, dependent Claims 12 and 13 set forth additional features of Applicant's invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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